



DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-870]

Certain New Pneumatic Off-the-Road Tires from India: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain pneumatic off-the-road tires (off-road tires) from India would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Daniel Alexander, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4313.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 2017, Commerce published the CVD order on off-road tires from India.¹

On February 1, 2022, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).²

Commerce received a timely notice of intent to participate from Titan Tire Corporation (Titan

¹ See *Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders*, 82 FR 12556 (March 6, 2017) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 5467 (February 1, 2022).

Tire), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).³

Titan Tire claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of the domestic like product in the United States.

Commerce received a substantive response from the domestic interested party⁴ within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). Commerce also received a substantive response from the Government of India (GOI).⁵ We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On March 22, 2022, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order*.

Scope of the *Order*

The products covered by the scope of the *Order* are off-road tires. Certain off-road tires are tires with an off-road tire size designation. The tires included in the scope may be either tube-type or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market. Certain off-road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000,

³ See Titan Tire's Letter, "Certain New Pneumatic Off-the-Road Tires from India: Notice of Intent to Participate in Sunset Review," dated February 16, 2022.

⁴ See Titan Tire's Letter, "Certain New Pneumatic Off-the-Road Tires from India: Substantive Response to Notice of Initiation," dated March 3, 2022.

⁵ See GOI's Letter, "Institution of First Five-Year ("Sunset") Review of Countervailing Duty Order on New Pneumatic Off-The-Road Tires from India: Government of India's Substantive Response to the Institution of Initiation and Intent to Participate in the Investigation," dated March 3, 2022.

⁶ See Commerce's Letter, "Sunset Reviews Initiated on February 1, 2022 – Amended Notification," dated March 22, 2022.

4011.94.8000, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9520, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035, 8716.90.5055, 8716.90.5056 and 8716.90.5059. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.⁷

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on off-road tires from India would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Producer/Exporter	Net Countervailable Subsidy Rate (percent)
Balkrishna Industries Limited	5.36
ATC Tires Private Limited	4.72
All Others	4.94

⁷ See Memorandum, "Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Order on Certain New Pneumatic Off-the-Road Tires from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: May 18, 2022.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 - 2. Net Countervailable Subsidy Rates Likely to Prevail
 - 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation